

REMARKS**I. INTRODUCTION**

In response to the Office Action dated January 21, 2003, the claims have not been amended. Claims 1-38 remain in the application. Re-consideration of the application is requested.

**III. PRIOR ART REJECTIONS UNDER 35 U.S.C. §102**

In paragraphs (4)-(5) of the Office Action, claims 36 and 38 were rejected under 35 U.S.C. §102(b) as being anticipated by Venolia, U.S. Patent No. 5,463,722 (Venolia).

Specifically, claim 36 was rejected as follows:

As per claim 36, Kimble discloses a method of acquiring a data point of interest on a drawing object, comprising the steps of:  
accepting a modifier command ("keyboard commands or menu selections for creating and breaking such multiple object alignments", column 22, line 9-11); and  
acquiring the data point of interest on a drawing object in a computer-implemented drawing program after a command is received to move a cursor near the data point, wherein the data point is not acquired without the modifier command (without pressing down the keyboard, the objects are not aligned).

Applicants traverse the above rejections for one or more of the following reasons:

- (1) Venolia fails to teach disclose, or suggest a data point of interest on a drawing object; and
- (2) Venolia fails to teach disclose, or suggest acquiring a data point of interest on a drawing object.

Independent claim 36 provides for acquiring a data point of interest on an object in a drawing only when a modifier command has been accepted. For example, in accordance with claim 38, the modifier command may comprise depressing a keyboard key and the point is only selected when the keyboard key is depressed.

The rejection relies on col. 22, lines 9-11 to teach this claim element. Col. 22, lines 9-11 provide:

This capability would preferably include an interface selection such as, for example, keyboard commands or menu selections for creating and breaking such multiple object alignments.

Claims 36-38 do not provide or even allude to aligning objects. Instead, the claims specifically provide for selecting a data point of interest on a drawing object. Nowhere in the cited text of Venolia is there any reference to a particular data point of interest on an object. Further,

Venolia completely fails to describe selecting such a particular data point of interest when a modifier command, such as the depression of a keyboard key, has been accepted.

The Examiner may be correct in stating that Venolia provides that without pressing down the keyboard, the objects are not aligned. However, the present claims are not directed towards object alignment but point acquisition. Aligning objects is a completely different characteristic/process/capability of an object than that of selecting a point of interest on an object.

Accordingly, Applicants submit that claims 36-38 are allowable over Venolia.

### III. PRIOR ART REJECTIONS UNDER 35 U.S.C. §103

In paragraphs (7)-(21) of the Office Action, claims 1, 2, 6-11, 13, 14, 18-22, 24, 25, 29-33, 35, and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Venolia in view of Kimble, U.S. Patent No. 6,031,531 (Kimble). In paragraph (22) of the Office Action, claims 3-5, 12, 15-17, 23, 26-28, and 34 were rejected under Venolia and Kimble as applied to claim 1, and further in view of Newell et al., U.S. Patent No. 5,123,087 (Newell).

Specifically, claims 1, 13, 24, and 35 were rejected as follows:

As per claim 1, Venolia discloses a method of acquiring a data point of interest on a drawing object, comprising the steps of:

accepting a command to move a cursor near the data point of interest on the drawing object in a computer-implemented drawing program (Figure 3); and

acquiring the data point after the cursor remains near the data point (Figure 3).

Venolia discloses a method of acquiring a cursor when moved within a distance. It is noted that Venolia does not explicitly disclose acquiring the data point after the cursor remains near the data point for an acquisition pause time, however, this is known in the art as taught by Kimble. Kimble discloses acquiring a cursor after the cursor remains nears an object after a period of time (Figure 7 164, "By dwelling on the icon/object (i.e., by not utilizing a switch or moving the cursor), the function associated with the icon/object upon which the cursor is "dwelling" is automatically activated", column 9, line 34-37).

As per claim 13, Venolia discloses an apparatus for acquiring a data point of interest on a drawing object, comprising:

means for accepting a command to move a cursor near the data point of the drawing object in a computer-implemented drawing program (Figure 1 1610).

As per claim 24, Venolia discloses a program storage device (Figure 1 1616), readable by a computer, tangibly embodying at least one program of instructions executable by the computer in a drawing program to perform method steps of acquiring a data point of interest on a drawing object (Figure 1 1610), the method comprising the steps of:

accepting a command to move a cursor near the data point of interest on the drawing object (Figure 1 1610).

As per claim 35, Venolia discloses a method of unacquiring an acquired data point, comprising the steps of:

accepting a command to move a cursor near the acquired data point of a drawing object in a computer-implemented drawing program (Figure 3).

Applicants traverse the above rejections for one or more of the following reasons:

- (1) Neither Venolia, Kimble, nor Newell teach, disclose or suggest acquiring a data point of interest on a drawing object; and
- (2) Neither Venolia, Kimble, nor Newell teach, disclose or suggest acquiring a data point after a cursor remains near the data point for an acquisition pause time.

Independent claims 1, 13, 24, 35, and 36 are generally directed to operations in a computer drawing program. Specifically, the claims are directed to acquiring/unacquiring a data point. The claims provide for a data point of interest that exists on a drawing object. As cited in the dependent claims, such a data point may be an endpoint of the drawing object, midpoint of the drawing object, a node of the drawing object, a closest quadrant point on the drawing object, an insertion point on the drawing object, a point on a line tangent to the drawing object, or a point on a line that forms a normal from the drawing object (e.g., see claims 5, 17, and 28). A cursor is moved near the data point on the object. Once the cursor remains near the data point for a defined period of time (i.e. an acquisition pause time), the data point is acquired.

The cited references do not teach nor suggest these various elements of Applicants' independent claims.

Venolia merely describes a method and apparatus for automatic alignment of manipulated objects in two-dimensional and three-dimensional graphic space.

The second step of the claims provides for "acquiring the data point after the cursor remains near the data point for an acquisition pause time." Applicants note that the data point is further limited by the first claim element as a data point of interest on a drawing object. To teach, this element, Venolia's Figure 3 is relied upon. Col. 12, lines 6-18 describes Fig. 3:

In a preferred embodiment, when the user drags a vertex of a displayed object towards the vertex of another object displayed in a scene, based on the model of magnetic attraction, the attraction between the two objects becomes stronger as the objects move closer together. FIG. 3 illustrates the effect in a preferred embodiment. The vertex that is being dragged is designated P, and the attractive vertex that is attracting P in the scene is designated as Q. The cursor specifies a position, A, for the dragged vertex. If P were pulled into complete alignment with Q, its position would be B. The vertex P is displayed at C, a position that is influenced by both the cursor position and P's attraction to Q.

As indicated in this cited portion, a vertex of one object is merely being dragged towards another object. The cited portion provides for moving one vertex (referred to herein as the first vertex) using the cursor towards another vertex (referred to herein as the second vertex). Firstly, Venolia does not provide for moving the cursor near the first vertex and then acquiring the vertex after the cursor remains near the point for a pause time. Thus, the use of the first vertex in Venolia fails to teach the invention as claimed. Additionally, Venolia's second vertex is not acquired. Instead, the second vertex is merely used for alignment. Further, there is not use of a "pause time" as claimed with respect to the second vertex.

In fact, the Office Action provides that Venolia "does not explicitly disclose acquiring the data point after the cursor remains near the data point for an acquisition pause time". Instead, the Office Action relies on Kimble to teach this element of the claim. However, as stated in the prior Office Action, Kimble's dwelling merely activates a function associated with an object/icon and does not select a particular point on an object. Contrary to the assertion in the Office Action, Kimble does not disclose "acquiring a cursor when the cursor is within a distance of an object after a period of time in order to easily access the object".

As cited throughout Kimble, the "dwelling" is merely used to activate a function associated with the icon/object (see col. 9, lines 34-37). In an embodiment described in Kimble, the cursor snaps to an icon if the user doesn't move the cursor away from the icon after a time interval (see col. 10, lines 31-35). Thus, Kimble merely describes the activation or snapping to an icon. In this regard, Kimble fails to describe a drawing object whatsoever. Kimble's icon/object is not equivalent to a drawing object in a computer-implemented drawing program. It should be noted that Kimble is merely directed towards assisting physically challenged users with icon selection in a graphical interface of a computer program. Kimble does not teach or describe, explicitly or implicitly, a drawing program or the use in/of a drawing program.

Additionally, the claims provide and cite a data point of interest on a drawing object. Kimble completely fails to describe a data point. Even assuming that Kimble's icon/object is equivalent to the present invention's drawing object (although Applicants traverse such an assertion), Kimble does not describe any data point on the icon/object. Instead, Kimble merely describes an entire icon/object without describing aspects of the object.

Further, the claims provide for acquiring the data point of interest on the drawing object. Kimble merely describes the activation of a function associated with the complete icon or a cursor snapping to the icon location. Acquiring a particular data point on a drawing object is not even remotely similar to activating a function of an icon or snapping to a location of an icon.

The Office Action provides that Kimble and Venolia can be combined because they both disclose a method of acquiring a cursor. However, it should be noted that the claims do not provide for acquiring a "cursor" but acquiring a data point of interest on a drawing object after a cursor remains near the data point. Kimble is merely directed towards assisting physically challenged users with icon selection in a graphical interface of a computer program. Kimble does not teach or describe, explicitly or implicitly, a drawing program or the use in/of a drawing program. Further, Venolia is directed towards alignment of objects. The alignment of objects is completely different from assisting physically challenged users by activating a function of an icon after a cursor remains near the icon. In this regard, the two fields of invention are non-analogous and there is no suggestion to combine the references, either explicitly or implicitly.

In addition to above, like Venolia and Kimble, Newell fails to teach, describe, or suggest various claim elements.

Further, the various elements of Applicants' claimed invention together provide operational advantages over the systems disclosed in Venolia, Kimble, and Newell. In addition, Applicants' invention solves problems not recognized by Venolia, Kimble, and Newell.

Thus, Applicants submit that independent claims 1, 13, 24, 35, and 36 are allowable over Venolia, Kimble, and Newell. Further, dependent claims 2-12, 14-23, 25-34, and 37-38 are submitted to be allowable over Venolia, Kimble, and Newell in the same manner, because they are dependent on independent claims 1, 13, 24, 35, and 36, respectively, and because they contain all the limitations of the independent claims. In addition, dependent claims 2-12, 14-23, 25-34, and 37-38 recite additional novel elements not shown by Venolia, Kimble, and Newell.

#### IV. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain

that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,  
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